IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 6239 of 2005

Between:

K. Linganna @ Lingam, S/o. Late Ganga Rao,

Part-time Assistant (Ex.VAO) (under suspension)

Nizambad, Nizambad District.

..... PETITIONER

AND

1. The District Collector, Nizambad, Nizambad Dist–506 001.

2. Joint Collector, Nizambad, Nizambad District-506 001.

3. Revenue Divisional Officer, Nizambad, Nizambad District- 506 001.

4. Mandal Revenue Officer, Nizambad,

Nizambad District – 506 001.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order, or direction preferably one in the nature of Writ of Mandamus declaring the impugned order of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad dated 13-12-2004 made in O.A.No. 7074/2004

as well as the order of the 1st respondent vide his proceedings No. A3/1340/2002, dated 15-3-2002 and the consequential order of the 3rd respondent vide Proceedings No. A3/1340/2002-1, dt. 12-1-2003 as illegal arbitrary, violative of principles of natural justice and contrary to law and consequentially direct the respondents herein to reinstate the petitioner into service with all consequential benefits forthwith.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed assailing the order, dated 13.12.2004, passed by the A.P. Administrative Tribunal in O.A.No.7074 of 2004.

2. The petitioner was placed under suspension by the 1st respondent vide his proceedings No.A3/1340/2002, dated 15.03.2002. The grievance of the petitioner is that he was neither issued with any charge memo nor he was reinstated into service. Therefore, he approached the Tribunal.

3. The Tribunal, after considering the matter, disposed of the O.A. with a direction to the respondents to review the suspension order, dated 15.03.2002, and to pass appropriate orders. Against the said order, the present Writ Petition has been filed.

4. Learned counsel for the petitioner submits that the outer limit has been prescribed in G.O.Ms.No.86 GAD dated 08.03.1994, and the said outer limit prescribed by the Government has also expired. Therefore, the Tribunal ought to have set aside the order of suspension.

5. We are unable to accept this contention. For reviewing the order of suspension, the Government issued following directions relating to the suspension. Para No.3 is related which is extracted below:

"3. Keeping the said recommendations in view following further orders are issued for review of suspension orders against the Government Servants:

i. The order of suspension against a Government servant shall be reviewed at the end of every six months.

ii. The appropriate reviewing authority should take a decision regarding continuance or otherwise of the employee concerned under suspension, with reference to the nature of charges, where delays in finalisation, of enquiry proceedings cannot be attributed to the employee or when there is no interference from the employee in facilitating the enquiry.

iii. An outer limit be provided as two years from the date of suspension, failing which the public servant may have to be reinstated without prejudice to the proceedings being pursued. However, in exceptional cases, considering the gravity of the charges, one could be continued under suspension even beyond a period of two years, especially in cases where there is deliberate delay caused due to non-cooperation of the employee concerned.

iv. The concerned Principle Secretary/Secretary of the Department should review the suspension cases of their department at an interval of six months with the representative from the ACB, if the proceedings arose out of the investigations conducted by the Anti-Corruption Bureau and make suitable recommendations as to the desirability or otherwise for the further continuance of the officers under suspension."

6. In view of the above Government Order, the matter has to be reviewed and appropriate orders are to be passed.

7. Accordingly, the Writ Petition is disposed of directing the authorities to review the suspension order keeping in view the guidelines issued by Government in G.O.Ms.No.86, dated 08.03.1994, within a period of six weeks from the date of receipt of a copy of this order.

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G. BIKSHAPATHY, J

P.S. NARAYANA, J

Date: 24.03.2005

ES

To

1. The District Collector, Nizambad, Nizambad Dist–506 001.

2. Joint Collector, Nizambad, Nizambad District-506 001.

3. Revenue Divisional Officer, Nizambad, Nizambad District- 506 001.

4. Mandal Revenue Officer, Nizambad,

Nizambad District – 506 001.

5. 2 CCs to the G.P. for Revenue, High Court of A.P., Hyderabad (OUT).

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